

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JONATHAN WATKINS,

Petitioner,

vs.

JAMES COX, Warden, et al.,

Respondents.

Case No. 2:04-CV-00849-KJD-(GWF)

ORDER

The Court denied Petitioner relief (#77) and entered judgment (#78). Petitioner appealed (#80), and the Court then denied Petitioner a certificate of appealability (#89). Petitioner has submitted a new, pro se Amended Petition (#90), an Ex Parte Motion for Appointment of Counsel (#91), a Motion for Leave to file Amended Petition (#92), and a Motion for Relief from Judgment or Order (#93). The Court lacks jurisdiction to rule on the motions because this action is on appeal. See Williams v. Woodford, 384 F.3d 567, 586 (9th Cir. 2004). The Court strikes the Amended Petition (#90) because it cannot grant leave to amend the petition.

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1 IT IS THEREFORE ORDERED that Petitioner's Ex Parte Motion for Appointment
2 of Counsel (#91), Motion for Leave to file Amended Petition (#92), and Motion for Relief from
3 Judgment or Order (#93) are **DENIED**.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall **STRIKE** the
5 Amended Petition (#90).

6 DATED: October 7, 2008



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KENT J. DAWSON
United States District Judge